

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Lauren J. Resnick

Hearing Date: June 15, 2016
Time: 10:00a.m.

Objection Deadline: June 8, 2016
Time: 5:00p.m.

Attorneys for Irving H. Picard, Trustee for the substantively consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 09-01503 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF MARK D. MADOFF and
ANDREW H. MADOFF, individually and as Executor
of the Estate of Mark D. Madoff,

Defendants.

**NOTICE OF MOTION TO SUBSTITUTE MARTIN FLUMENBAUM, AS EXECUTOR
OF THE ESTATE OF ANDREW H. MADOFF, AND THE ESTATE OF ANDREW H.
MADOFF FOR DECEASED DEFENDANT ANDREW H. MADOFF
IN THIS PROCEEDING**

PLEASE TAKE NOTICE that Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the estate of Bernard L. Madoff, by and through the Trustee's undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on **June 15, 2016, at 10:00a.m.**, or as soon thereafter as counsel may be heard, seeking entry of an Order under Rule 25 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7025 of the Federal Rules of Bankruptcy Procedure, granting the Trustee's motion to substitute Martin Flumenbaum, in his capacity as the Executor of the Estate of Andrew H. Madoff, and the Estate of Andrew H. Madoff for deceased Defendant Andrew H. Madoff in this proceeding, on the grounds and for the reasons set forth in the accompanying Memorandum of Law in Support of Trustee's Motion to Substitute Martin Flumenbaum, in his Capacity as Executor of the Estate of Andrew H. Madoff, and the Estate of Andrew H. Madoff for deceased Defendant Andrew H. Madoff in this Proceeding.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be: (i) in writing, conforming to the applicable rules of this Court and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order M-399 by no later than 5:00p.m. on June 8, 2016 (the "Objection Deadline") (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein); and (ii) served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: Lauren Resnick; and (b) Securities

Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006-1260

Attn: Kevin H. Bell, so as to be received no later than the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order granting the requested relief may be entered with no further notice or opportunity to be heard offered to any party.

Date: May 6, 2016
New York, New York

BAKER & HOSTETLER LLP

BY: /s/ David J. Sheehan
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Lauren J. Resnick
Email: lresnick@bakerlaw.com
Jimmy Fokas
Email: jfokas@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
substantively consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

Of Counsel:

Patrick T. Campbell
Email: pcampbell@bakerlaw.com
Melissa M. Carvalho
Email: mcarvalho@bakerlaw.com